

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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UNITED STATES OF AMERICA,

-v-

ERIC HERNANDEZ,  
a/k/a "E," and  
LENNO MARTINEZ,

Defendants.

13 Cr. 605 (JMF)

MEMORANDUM  
OPINION AND ORDER

JESSE M. FURMAN, United States District Judge:

Eric Hernandez and Lenno Martinez are charged in a one-count indictment, along with seven other defendants (one of whom pleaded guilty yesterday), with conspiracy to distribute or possess with intent to distribute 280 grams or more of cocaine base. (Docket No. 2). Each defendant has moved for a severance. (Docket Nos. 56, 64).<sup>1</sup> Upon reflection, the motions are denied as premature as trial in this case is almost six months away. At this time, therefore, "[t]he Court does not know how many defendants will plead before trial or how other pre-trial motions might limit the scope of the trial." *United States v. Heatley*, No. S2 96 Cr. 515 (SS), 1997 WL 12961, at \*4 (S.D.N.Y. Jan. 14, 1997) (Sotomayor, J.); *accord United States v. Rodriguez*, No. 08 Cr. 1311 (RPP), 2009 WL 2569116, at \*11 (S.D.N.Y. Aug. 20, 2009).

For that reason, the two motions are DENIED without prejudice to bringing new severance motions **no later than August 1, 2014**. The Court notes that Martinez's motion was previously terminated by the Clerk's Office based on filing errors, but counsel does not appear to have refiled the motion pursuant to the deficiency notice on the docket. Counsel shall address the deficiency notice promptly. If need be, counsel should contact the ECF Help Desk.

The Clerk of Court is directed to terminate Docket No. 56.

SO ORDERED.

Dated: March 13, 2014  
New York, New York



JESSE M. FURMAN  
United States District Judge

<sup>1</sup> In his motion, Martinez also seeks a bill of particulars and other discovery-related relief. The Court denied that portion of the motion from the bench at a conference on January 21, 2014.